



## Testimony for the House Ways and Means Committee

### House Bill 488 – Public Schools - Discipline-Related Data - Collection and Publication

February 12, 2025

#### FAVORABLE

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The ACLU of Maryland urges a favorable report on House Bill 488: Public Schools – Discipline-Related Data – Collection and Publication, which seeks to expand data collection on student suspensions and expulsions in public schools and ensure that there is transparency and accountability for improving schools that have high suspension and disproportionality rates.

#### **Suspensions have declined steadily in Maryland over the last decade but improvements have been stagnant in recent years.**

Maryland's statewide suspension and expulsion rate gradually declined between School Year (SY) 2009-2010 through 2019-2020.<sup>1</sup> The percentage of students suspended or expelled in SY 2009-2010 was 7% statewide. By SY 2019-2020, the rate had declined to 3.3%. This reduction can be attributed to the reforms in discipline policy developed by the Maryland State Department of Education (MSDE) and the diligent work of local school districts and school level staff implementing the policy. Schools have generally relied less on punitive measures to manage student misbehavior in favor of strategies such as Positive Behavioral Interventions and Supports and Restorative Practices.

However, when children returned to school in person after the COVID-19 pandemic, school officials and teachers reported increases in student misbehavior, and the suspension rate jumped back up to 4.1% in SY 2021-2022. In SY 2022-2023, the rate increased further to 4.9%. This represents

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<sup>1</sup> *Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools, 2023-2024*. December 2024. Division of Assessment, Accountability, Performance Reporting & Research, Maryland State Department of Education.  
<https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>

an increase in suspensions and expulsions of approximately 21% from the previous year.<sup>2</sup>

Nationwide, it is widely known that Black children, students with disabilities, and students from low-income backgrounds are suspended at higher rates than other subgroups.<sup>3</sup> Maryland is no exception. In SY 2023-2024, Black students in Maryland were approximately 3 times more likely than white students to be suspended. The largest disproportionality is seen in Howard, Dorchester, St. Mary's, and Anne Arundel counties. Suspensions of students with disabilities remain high at 15.5%, with the highest rates in Charles, Dorchester, and Somerset counties.

### **HB 488 will improve data collection and ensure accountability for mitigating suspensions.**

MSDE collects school discipline data disaggregated by race, ethnicity, gender, grade, special education status, and offense.<sup>4</sup> HB 488 will ensure data collection is expanded to include socioeconomic status, Multilingual Learners (formerly called English Language Learners), and students who have 504 plans under the federal Rehabilitation Act of 1973. It will also require MSDE to provide the data in spreadsheets, accessible to the public so that it can be downloaded and analyzed for better understanding.

If a certain demographic subgroup such as students with special education, Black students, or Latinx students are suspended and expelled at three times the rate (3.0) – the risk ratio – of the remaining school population at a particular school, that school is labeled as high suspending. The school district is also required to develop a 3-year action plan to mitigate disproportionality and high suspensions. HB 488 reduces the risk ratio to 2.0 as recommended by the state's Maryland Commission on the School-to-Prison Pipeline and Restorative Practices<sup>5</sup>. This rate is aligned with the

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<sup>2</sup> Suspensions are increasing in Baltimore City schools. Is that a solution, or another problem?. February 2024. WYPR Baltimore. <https://www.wypr.org/wypr-news/2024-02-12/suspensions-are-increasing-in-baltimore-city-schools-is-that-a-solution-or-another-problem#>

<sup>3</sup> Pushed Out: Trends and Disparities in Out-of-School Suspension. September 2022. Learning Policy Institute. <https://learningpolicyinstitute.org/product/crdc-school-suspension-report#:~:text=Educators%20continue%20to%20suspend%20students,in%20secondary%20schools%20were%20suspended.>

<sup>4</sup> *Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools, 2023-2024*. December 2024. Division of Assessment, Accountability, Performance Reporting & Research, Maryland State Department of Education. <https://marylandpublicschools.org/about/Documents/DCAA/SSP/20232024Student/2024-Student-Suspension-Expulsion-Publication-A.pdf>

<sup>5</sup> Final Report and Collaborate Action Plan. December 2018. Maryland Commission on the School-to-Prison Pipeline and Restorative Practices. <https://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf>

threshold set by the federal IDEA law for students who require special education.<sup>6</sup> It is critical to flag schools that have high suspensions and disproportionality at this rate instead of waiting for the problem to get worse.

HB 488 also requires MSDE to create a parallel action plan to provide support and resources to the districts on their action plans and ensure that these plans are accessible to the public. Currently, there is no accountability system to ensure that districts have action plans to address high suspending schools.

### **HB 488 will serve as a tool for strategic investment of state funding and resources.**

The *Blueprint* plan is investing hundreds of millions of dollars in schools statewide, and students who need the most support are a primary focus. Within the state education funding formula, additional funding is directed to schools for students from low-income households, students who are Multilingual Learners, and students who receive special education services. The *Blueprint* also includes additional funding for schools with high concentrations of poverty for Community Schools programming. Another Blueprint initiative provides over \$100 million in state funds annually for student behavioral health services, through the state's Consortium of Coordinated Community Supports. The data that would be available through HB 488 will provide district administrators, schools staff, and school community members with important information as they develop their programs.

The Community Schools strategy allows school community members and staff to come together to strategize around how to best use their funding to improve student learning, school climate, and other barriers to success. And there are a myriad of other resources at the state and local levels for school safety, health and mental health, wrap around services, and more. Comprehensive and accessible school discipline data should be used to inform how state and local resources can best be invested.

Lastly, as legislators, government officials, and community advocates continue to debate reforms to the juvenile legal system, it is also critical to think about prevention. HB 488, in conjunction with HB 197, Restorative Practices Schools, is about prevention. With comprehensive discipline data, MSDE and school districts can be more targeted in their approach to supporting schools that have high or disproportionate suspensions. The outcomes for Restorative Practices in 14 Baltimore City schools that piloted

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<sup>6</sup> Significant Disproportionality. IDEA Part B Regulations. March 2017. US Office of Special Education Programs. [https://spptap.org/wp-content/uploads/2021/02/Idea\\_Part\\_B\\_Regulations\\_Questions\\_and\\_Answers.pdf](https://spptap.org/wp-content/uploads/2021/02/Idea_Part_B_Regulations_Questions_and_Answers.pdf)

the program showed a significant decline in suspensions and notable improvements in relationships between students and teachers, and on school climate indicators. In just two years, researchers reports<sup>7</sup>:

- School suspensions dropped by 44%
- 72% of school staff reported improved climate
- 69% of school staff reported improved student respect for one another
- 64% of school staff reported improved student respect for staff

The ACLU of Maryland is dedicated to ensuring that all public schoolchildren in Maryland have an equitable opportunity to attend healthy and safe schools that provide high quality education. The passage of HB 488 is critical to achieving that goal. For the foregoing reasons, we ask the committee to give HB 488 a favorable report.

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<sup>7</sup> Restorative Practices in Baltimore City Schools: Research Updates and Implementation Guide. September 2020. Open Society Institute Baltimore. [https://core-docs.s3.us-east-1.amazonaws.com/documents/asset/uploaded\\_file/3843/BCPS/3792280/RP-Report-2020-FINAL.pdf](https://core-docs.s3.us-east-1.amazonaws.com/documents/asset/uploaded_file/3843/BCPS/3792280/RP-Report-2020-FINAL.pdf)